

Leg. Prog.

October 12, 1999

**Memorandum 99-60****1999 Legislative Program: Final Report**

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Attached to this memorandum as Exhibit page 1 is a final report on bills in the Commission's 1999 legislative program.

For further information on the status of AB 321 (Wildman), the eminent domain valuation evidence clarification, please refer to Memorandum 99-77.

A copy of the Governor's veto message on AB 486 (Wayne), relating to advisory interpretations and consent regulations, is attached to this memorandum as Exhibit page 2. We will discuss how to proceed on this matter in connection with our discussion of Memorandum 99-69 (administrative rulemaking).

Respectfully submitted,

Nathaniel Sterling  
Executive Secretary

# Status of 1999 Commission Legislative Program

As of October 10, 1999

	AB 321	AB 486	AB 846	AB 891	ACR 17	SB 210	Budget
Introduced	Feb 8	Feb 18	Feb 24	Feb 25	Feb 25	Jan 20	Jan 8
	Aug 24	Jun 30	Jul 2	Sep 1	—	May 6	—
Last Amended	May 11	Apr 7	May 11	Apr 20	May 11	Mar 16	Feb 24
	—	Apr 29	—	May 19	May 26	—	Apr 27
	Jun 4	May 13	May 20	Jun 1	Jun 2	Mar 23	Apr 29
First House	Aug 17	Jul 6	Jun 29	Jul 13	Jun 30	Jul 13	Mar 8
	—	Aug 16	—	Aug 23	Jul 12	—	May 25
Second House	Aug 26	Aug 24	Jul 8	Sep 7	Aug 19	Aug 19	May 27
	2000	Aug 26	Jul 12	Sep 8	—	Aug 24	Jun 16
Concurrence		Sep 1	Jul 15	Sep 20	—	Aug 26	Jun 21
		Vetoed	Jul 21	Oct 6	—	Sep 7	Jun 29
Governor		—	Jul 22	Oct 10	Aug 23	Sep 7	Jun 29
		—	145	658	Res 81	344	50
Secretary of State							

**Index:** AB 321 (Wildman): Eminent Domain Valuation Evidence  
 AB 486 (Wayne): Advisory Interpretations and Consent Regulations  
 AB 846 (Ackerman): Uniform Principal and Income Act  
 AB 891 (Alquist): Health Care Decisionmaking for Adults Without Decisionmaking Capacity

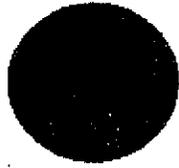
**KEY**

*Italics:* Future or speculative  
 "—": Not applicable

*The Governor has until October 10 to act on bills received on or after August 30.*

ACR 17 (Wayne): Continuing Authority To Study Topics  
 SB 210 (Senate Judiciary Committee): Trial Court Unification Cleanup  
 Budget Bill (SB 160)

2170



GOVERNOR GRAY DAVIS

October 8, 1999

To the Members of the Assembly:

I am returning Assembly Bill 486 without my signature.

Although the provisions of this bill are optional, the concern is that the public will confuse an advisory interpretation, which is non-binding expression of the agency's interpretation of the law it enforces, with a legally binding regulation. The procedure prescribed for adopting an advisory interpretation is much the same as the procedure for adopting a regulation. An advisory interpretation would have no legal effect; would be entitled to no judicial deference; could not prescribe a penalty or course of conduct, confer a right, privilege, authority, exemption, or immunity, impose an obligation, or in any way bind or compel; and could not be used as an alternative means of adopting binding regulations. There is a potential that advisory interpretations could ultimately become underground regulations. Existing law already provides a process for declaratory decisions to be issued by a state agency that have the "same status and binding effect as any other decision issued by the agency in an adjudicative proceeding: (Gov. Code 11465.10 et seq.). State agencies have various other methods by which they may publicize their interpretation of the laws they enforce.

Existing law already provides a shortened and efficient process for adopting non-controversial regulations.

The provisions of AB 486 are duplicative of existing law and therefore, unnecessary.

Sincerely,

  
GRAY DAVIS